



OCT 2 2 2008

CERTIFIED MAIL RETURN RECEIPT REQUESTED

James P. Vondale, Director Automobile Safety Office Environmental and Safety Engineering Ford Motor Company 330 Town Center Drive, Suite 400 Dearborn, MI 48126-2738 NVS-212mj1 EA03-014

Dear Mr. Vondale:

This letter is to advise you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has completed the Preliminary Evaluation (PE03-011) concerning alleged inadvertent side air bag deployments on Model Year (MY) 2001 Lincoln Town Car vehicles manufactured by Ford Motor Company (Ford). Based on our analysis of the information received, we have upgraded this matter into an Engineering Analysis (EA), which has been assigned identification number HA03-014, and includes MY 2001 through early 2003 Lincoln Town Car vehicles. To assist us at this stage of the investigation, we are requesting additional information.

This office has received two reports of alleged inadvertent side air bag deployment on MY 2001 Lincoln Town Cars since we last wrote to Ford. A copy of each of the reports is enclosed for your information.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- <u>Subject vehicles</u>: All MY 2001 through early 2003 Lincoln Town Car vehicles (built through December 2002) equipped with side air bags, manufactured for sale or lease in the United States.
- <u>Subject components</u>: The side air bag crash sensing system, including but not limited to, the crash sensors, safing sensor, restraint control module (RCM), mounting assemblies, wiring harnesses, and all related components.
 - <u>Ford</u>: Ford Motor Company, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their





employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Ford (including all business units and persons previously referred to), who are or, in or after 1998, were involved in any way with any of the following related to the alleged defect in the subject vehicles:

- Design, engineering, analysis, modification or production (e.g. quality control);
- b. Testing, assessment or evaluation;
- Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
- d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- Alleged defect: Any inadvertent, non-crash or low-speed crash deployment of a side air bag, or any other unwanted or inappropriate side air bag deployment.
- Document: "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages. notes, annotations, working papers, drafts, minutes, records, audio and video recordings. data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs. microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisious pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Ford, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note. comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production, In all cases where original and any non-identical copies are not available, "document(s)"

also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by the manufacturer or not. If a document is not in the English language, provide both the original document and an English translation of the document.

Other Terms: To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Ford has previously provided a document to ODI, Ford may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Ford's response to each request, identify the source of the information and indicate the last date the information was gathered.

- State, by model and model year, the number of subject vehicles Ford has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Ford, state the following:
 - a. Vehicle identification number (VIN):
 - b. Make:
 - c. Model;
 - d. Model Year;
 - e. Date of manufacture;
 - Date warranty coverage commenced; and
 - g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the response in a table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA."

State the number of each of the following received by Ford, or of which Ford is otherwise aware, which relate to, or may relate to, the alleged defect in the subject vehicles:

- Consumer complaints, including those from fleet operators;
- Field reports, including dealer field reports;
- Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, or notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle;
- d. Property damage or personal injury claims;
- e. Third-party arbitration proceedings where Ford is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which Ford is or was a defendant or codefendant.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "f," provide a summary description of the alleged problem and causal and contributing factors and Ford's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "e" and "f," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

- 3. Separately, for each item or report (consumer complaint, field report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. Ford's file number or other identifier used;
 - The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN:
 - e. Vehicle's make, model and model year;
 - f. Vehicle's mileage at time of incident:
 - g. Incident date;
 - Report or claim date;
 - i. Whether a crash is alleged;
 - Whether property damage is alleged;
 - k. Number of alleged injuries, if any; and
 - Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REOUEST NUMBER THREE DATA."

4. Produce copies of all documents related to each item within the scope of Request No. 2. The term "all documents" includes, but is not limited to, all photographic evidence accompanying each of the reports provided, including but not limited to images of road surface conditions (e.g., potholes, curbs, dips, etc.) and vehicle damage. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Ford used

for organizing the documents. Also, clearly identify Ford's file number, vehicle owner or fleet name, and VIN for each item responsive to this request.

- 5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Ford to date that relate to, or may relate to, the alleged defect in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign. Separately, for each such claim, state the following information:
 - Ford's claim number;
 - b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
 - c. VIN;
 - d. Repair date;
 - e. Vehicle mileage at time of repair;
 - f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
 - g. Labor operation number;
 - h. Problem code:
 - Replacement part number(s) and description(s);
 - j. Concern stated by customer; and
 - k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA."

- 6. Describe in detail the search criteria used by Ford to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles. State, by model and model year, the terms of the new vehicle warranty coverage offered by Ford on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Ford offered for the subject vehicles and state by option, model and model year, the number of vehicles that are covered under each such extended warranty.
- 7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Ford has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also, include the latest draft copy of any such communication that Ford is planning to issue within the next 120 days.
- Furnish copies of all communications between Ford and each supplier of the subject components for subject vehicles pertaining to the design, manufacture, performance,

durability, quality, testing, or modification of the subject components that relate to, or may relate to, the alleged defect. If any communications on this subject were oral, provide a written transcript or summary of each such communication, and include a statement that identifies all participants and the date of the communication.

- 9. Furnish the deceleration vs. time, velocity vs. time, and other requirements that relate to any and all "must fire" deployment thresholds for the side air bags in MY 1999 through 2003 Town Cars. In addition, provide a full and comprehensive technical description of each deployment threshold requirement and the differences in the requirements among all of the Town Car vehicles.
- 10. Furnish a summary of all "rough road and abuse tests" (non-crash non-deployment tests) conducted by, or for, Ford, from vehicle development to date, for the side air bags in MY 1999 through 2003 Town Cars. For each such test, include the title and description of the test, test number, test date, name of entity that conducted the test, vehicle model, model year, manufacture date and VIN, vehicle speed, location of vehicle impact (if any), description of road surface conditions including dimensions (e.g., pothole, curb, etc.) or size/weight of object/debris (e.g., gravel road, hammer hit, etc.), test requirements, test results, video tape of the test, and brief summary of findings and/or conclusions from the test.
- 11. Furnish a summary of all "must fire" side pole crash tests conducted by, or for, Ford, from vehicle development to date, for MY 1999 through 2003 Town Cars. For each such test, include the title and description of the test, test number, test date, name of entity that conducted the test, vehicle model, model year, manufacture date and VIN, pole type and diameter, impact speed and location, crash dummy type, test requirements, test results (e.g., dummy injury numbers), video tape of the test, and brief summary of findings and/or conclusions from the test.
- 12. Furnish a full and comprehensive technical description of the crash and air bag data recording capabilities of the side air bag system in the subject vehicles.
- 13. Describe all assessments, analyses, tests, studies, surveys, simulations, investigations, inquiries, and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Ford. For each such action, provide the following information:
 - Action title or identifier;
 - b. The actual or planned start date;
 - The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;
 - Engineering group(s)/supplier(s) responsible for designing and for conducting the action;
 and
 - A brief summary of the findings and/or conclusions resulting from the action, whether final, tentative, or postulated.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action. If an action is not complete, provide a detailed schedule for the work to be done, tentative findings and/or conclusions, and provide an update within 10 days of completion of the action.

- 14. Describe all modifications or changes made by, or on behalf of, Ford in the design, material composition, manufacture, quality control, supply, or installation of the subject components, from the start of production to date, which relate to, or may relate to, the alleged defect in the subject vehicles. For each such modification or change, provide the following information:
 - The date or approximate date on which the modification or change was incorporated into vehicle production;
 - A detailed description of the modification or change;
 - c. The reason(s) for the modification or change;
 - d. The part number(s) (service and engineering) of the original component;
 - e. The part number(s) (service and engineering) of the modified component;
 - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
 - g. When the modified component was made available as a service component; and
 - Whether the modified component can be interchanged with earlier production components.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and model year, any other vehicles of which Ford is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

- 15. For each design change to the crash sensor calibration, software, and/or mounting identified in Appendix N of Ford's Preliminary Evaluation Information Request (PEIR) response of June 13, 2003, provide all relevant documents. Also, explain in detail the reason and/or provide the background for the sensor mounting change in December 2002. Ford's response must include, but not be limited to, all deployment and non-deployment criteria for both the original and the revised crash sensor.
- 16. Furnish the exact date of the December 2002 design change in the subject components (i.e., relocation of side crash sensor from floor pan to B-pillar) made by Ford to the subject vehicles during MY 2003 Town Car production.
- 17. Other than the modifications described in Ford's response to Request No. 10 of the PEIR and Ford's response to Request No. 14 of this letter, state whether any other Ford vehicles share the design of the side air bag crash sensing system used in the subject vehicles. If so, provide a list of the vehicles by make, model, and model year.

- 18. State whether Ford ever considered substituting an alternative design(s) or component(s) for the subject components in the subject vehicles that relate, or may relate, in any way to this investigation. If so, identify and describe each such alternative design or component, and state:
 - The date it was first proposed;
 - The disposition of that proposal (i.e., approved, disapproved, or still being evaluated);
 and
 - The reasons for that action.
- Furnish Ford's assessment of the alleged defect in the subject vehicles, including:
 - The causal or contributory factor(s):
 - b. The failure mechanism(s);
 - c. The failure mode(s); and
 - d. The risk to motor vehicle safety that it poses.

This letter is being sent to Ford pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Ford's failure to respond promptly and fully to this letter could subject Ford to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If Ford cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Ford does not submit one or more requested documents or items of information in response to this information request, Ford must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

Ford's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by December 12, 2003. Please refer to EA03-014 in Ford's response to this letter. If Ford finds that it is unable to provide all of the information requested within the time allotted, Ford must request an extension from Mr. Thomas Cooper at (202) 366-5218 no later than five business days before the response due date. If Ford is unable to provide all of the information requested by the original deadline, it must submit a partial response by the

original deadline with whatever information Ford then has available, even if an extension has been granted.

If Ford claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Ford must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (68 Fed. Reg. 44209 et seq; July 28, 2003) to the Office of Chief Counsel (NCC-110), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. Ford is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call Mr. Michael Lee of my staff at (202) 366-5236.

Sincerely.

Kathleen C. DeMeter, Director Office of Defects Investigation

Enforcement

Enclosures: VOQ Nos. 10001156 and 10011675

FOR AGENCY USE ONLY **DOT Auto Safety Hotline** Repository 🔲 Date Received Vehicle Owner's Questionnaire U.S. Department To Report Vehicle Safety Defects of Transportation 1-688-DA\$H-2-DOT Reference No. 18-DEC-2002 Netional Highway (1-886-327-4235) Traffic Salety INTERNET www.nhtss.dot.gov/hotline 10001156 Administration OWNER INFORMATION (Type or Print) Daytime Telephone Number E-mail Address Mame Address Evening Telephone Number Zio Code State Do you authorize NHTSA to provide a copy of this report to the manufacturer of your vehicle? YES In the absence of an authorization, NHTSA WILL NOT provide your name or address to the vahicle manufacturer. Signature of Owner Date. VEHICLE DEGRMATION LANCE CONTROL CONTROL CONTROL CONTROL OF PROTECTION OF THE CONTROL CON Make Model Model Year LINCOLN TOWN CAR 2002 2601 Date Purchased Dealer's Name and Telephone Number Engine: Fuel Type: No: Cyfinders Dealer's City State Zio Code Original Owner Vehicle Component Code Antibok Brakes Transmission Type **Powertrain** 140008 ATR BAGS ... Cruise Control Multiple Fallure: FAILED COMPONENT(S)/PART(S) INFORMATION Fallura Miesoe Failure Speed Incident Date(s) 17-NOV-2002 22000 ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A TIRE FAILURE Tire Model (Name or Number) Tire Size (Example P215/65R15) Tire Make DOT No. (Example: DOTMAL9ASC036) ☐ Original Equipment ☐ Prior Repair Failure Location: Tine Component Code The Fathere Type ADDITIONAL ITEMS TO BE COMPLETED WHEN REPORTING A CHILD SEAT FAILURE Make: Date Manufactured: Model No./Name: Seet Type: Installation System: Child Seat Component Code: **Falled Parts** APPLICABLE INCIDENT DETERMATION (Please describe in detail the incidentist, Fathreist, Crashies). and Intervies).) Number of Persons Intured Number of Deaths Reported to Police Crash Fire N XXINo I Yes XX No Marrative Description of Excident(S), Crash(es), and Injury (los). Please describe (1) events leading up to the fallers, (2) fallers and its corrections, suct (3) what was done to correct the fallers; Le, parts repaired or regiment (and if old part is available). WHILE DRIVING THE PASSENGER SIDE, SIDE AIRBAG DEPLOYED WITHOUT VEHICLE BEING IN AN ACCIDENT. PLEASE PROVIDE MORE DETAILS. TS

Include. If available: Poice/Fire Department Report, Photos, and Repair Invoice.

ATTACH ADDITIONAL SHIFTS IF NECESSARY

The Privacy Act of 1974-Public Law 93-579 This information is requested parasent to antiborily vented in the National Highway Traffic Safety Act and authorquest amendments. You have explor so colligation to respond this quantitative. Your responses may be used to make the NATEA in determining whether a Mauritative. theast take supropries action to correct a safety defect. If the MITSA proceeds with administrative unforcement or Rigation against a meastiscisme, year respec or a statistical consensy thereof, may be meet in support of the agency's action.

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Include. If available: Police/Fire Department Report, Photos, and Regain Invoice.

ATTACH ASSITTONIAL SHEETS IF NECESSARY.

The Privacy Act of \$874- Public Law 95-579 This information is requested pursuant to authority vested in the Instance Highway Traffic Select Act and subsequent amendments. You are under an obligation to respond this quantions by Your response may be used to seeks the MITSA in determining whether a Manufacturer should take appropriate action to correct a safety defect. If the MITSA processes with a similar retire and occurrent or Righting against a presudecturer, your response, or a statistical assumery thereof, may be used in support of the agency's action.